

# DISPUTES IN THE SOUTH CHINA SEA, MAJOR POWERS' INTERACTIONS, SMALL STATES' PREDICAMENT

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# Host Organizations:

- Diplomatic Academy of Vietnam (DAV)
- Foundation for East Sea Studies (FESS)
- Vietnam Lawyers' Association (VLA)

*“The Mediterranean is the ocean of the past, the Atlantic is the ocean of the present, and the Pacific is the ocean of the future.”*

U.S. Secretary of State William Henry Seward, 1852

# Dispute in the Paracel Islands

- Two claimants: Vietnam and China
- Disputes over
  - Sovereign rights
  - Exploration and Exploitation of resources
  - Fishing rights
- Prospect of settlement based on “setting aside disputes, jointly exploiting resources?”
  - Special consideration for the right of Vietnamese fishing in their “traditional fishing area”
  - Looking at the “big picture”
  - China behaving as a benevolent “big brother”

# Disputes over the Spratly Islands and the Regional Approach

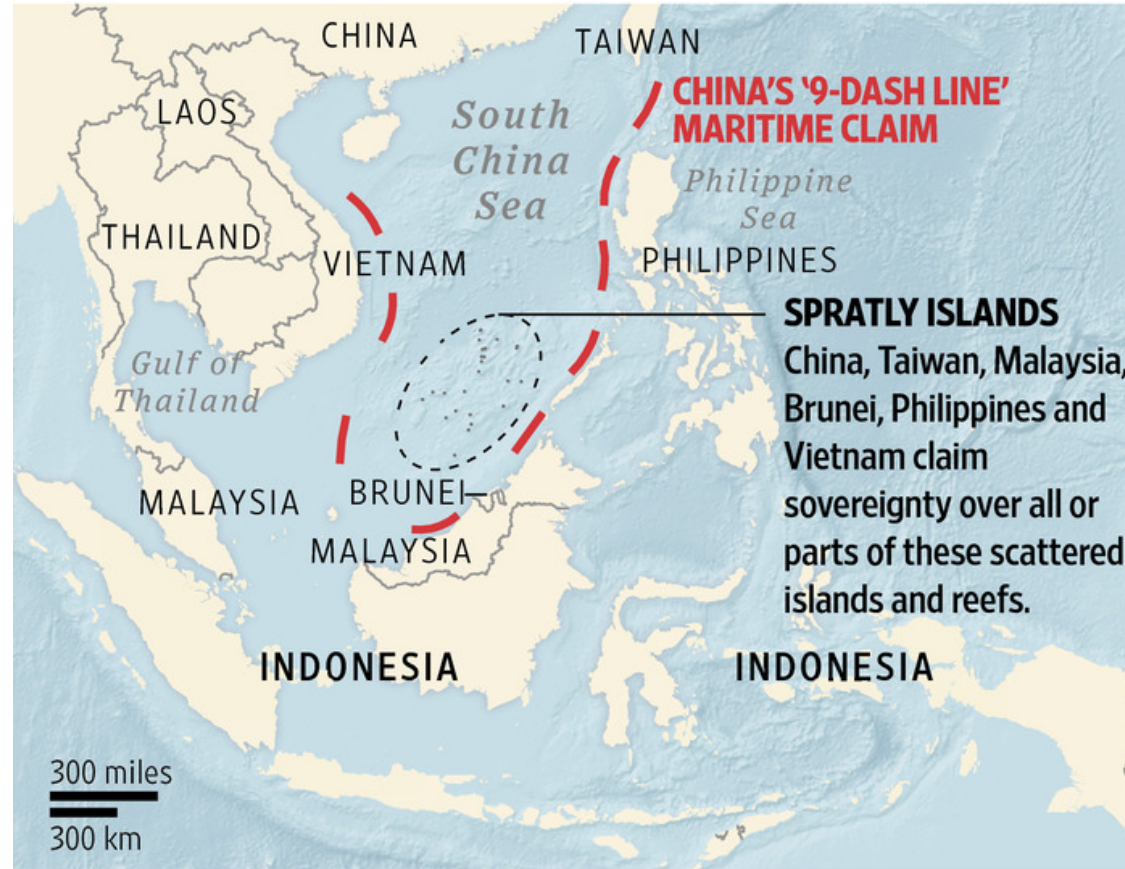
- Multiple claimants
- From DOC to COC
- China's suggested requirements
  - No external interference
  - Emphasis on “maximum consensus”
  - Respect for the “comfort level of each claimant party”

# China's Methodical Moves

- Naval battle in the Paracel Islands, 1974
- Takeover of the South Johnson Reef, 1988
- Takeover of the Mischief Island, 1995
- Conflict over fishing rights and oil exploration rights, 2005-2008

# Causes of Major Powers' Involvement

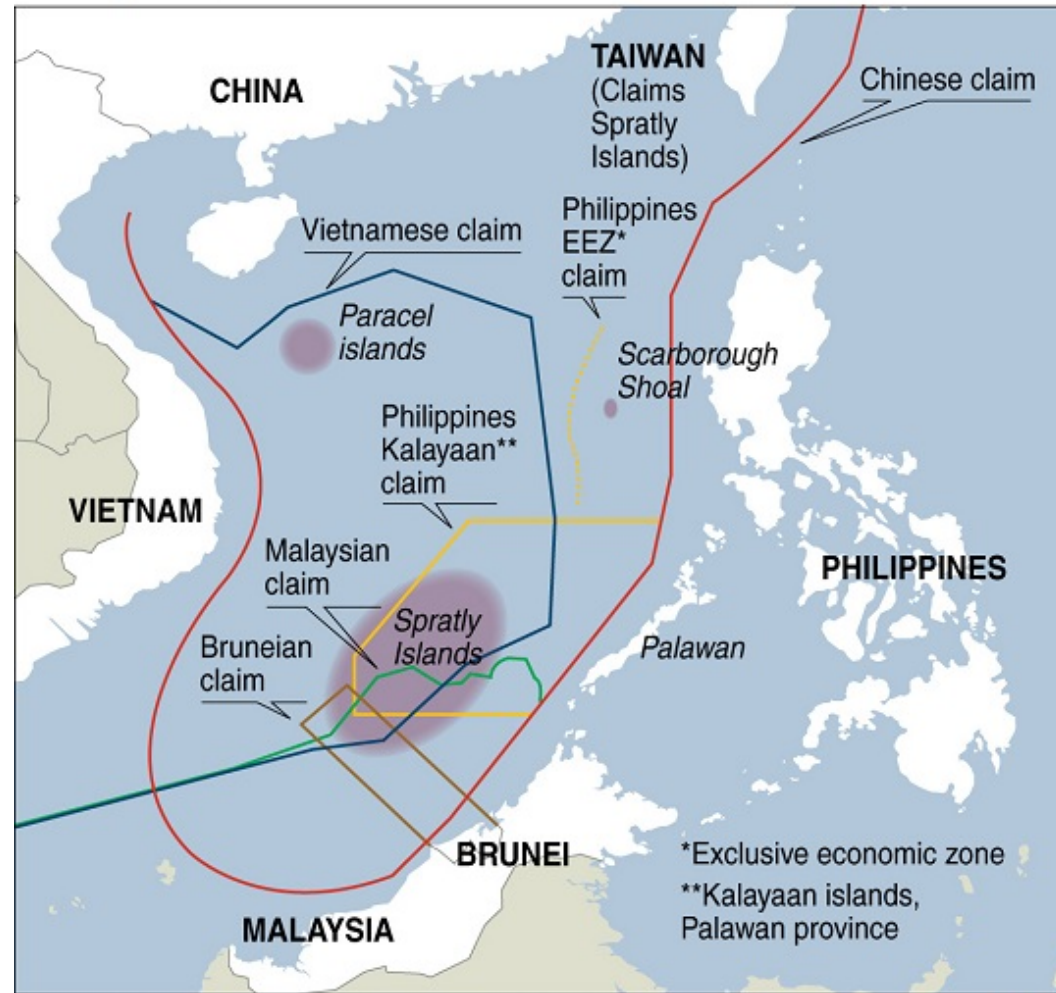
- China's nine-dash line map, 2009
- ASEAN concerns
- China vs the United States: “core interest” vs “national interest.”
- The Scarborough incident 2012
- The HD 981 oil rig incident, 2014
- China's massive land reclamation project, 2015
- Concerns over the precedent of “might makes rights” and attempt to unilaterally changing the status quo.



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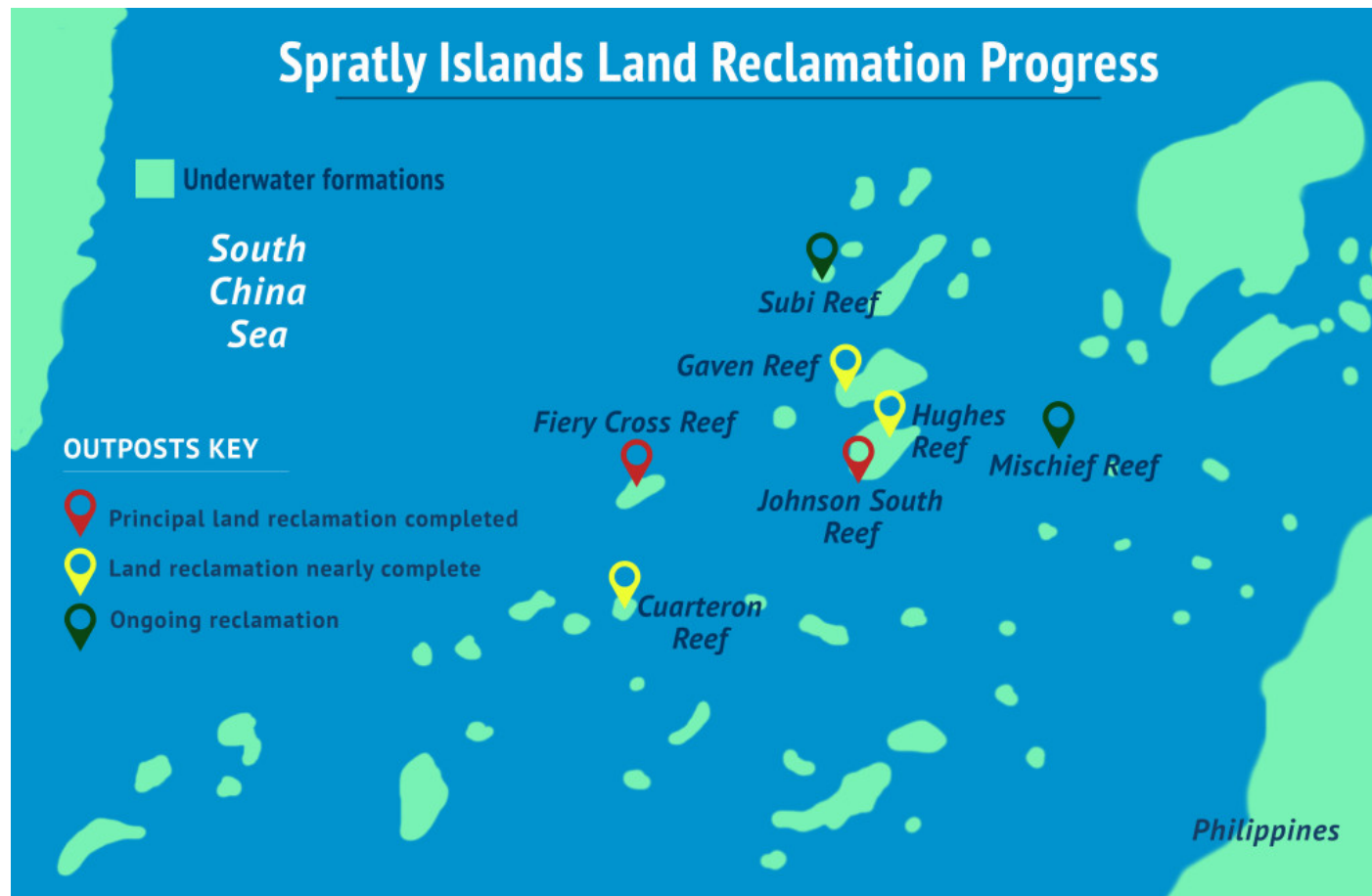


## Disputed claims in the South China Sea



Sources: D.Rosenberg/MiddleburyCollege/HarvardAsiaQuarterly/Phil gov't

## Spratly Islands Land Reclamation Progress



# Major Powers' Reactions

- United States:
  - The “fly, sail, operate anywhere” formula.
  - Xi-Obama summit and the failure to reach agreement on the South China Sea
  - USS Lassen and freedom of navigation operation.
  - Discussion of counter-coercion strategies.
- India:
  - From “Look East” to “Act East”
  - Clear expression of concern about rising tensions over maritime
  - Military assistance to Vietnamese Navy
  - Signing oil exploration agreements with Vietnam

# Major Powers' Reactions

- Japan:
  - Opposition to “vast land reclamation and construction of sea ports and airstrips.”
  - 2015 Defense White Paper accusing China of “coercive attempts of changing the *status quo*.”
- Australia:
  - “Unequivocal opposition to large-scale land reclamation.”
  - Warning of “a corresponding counter-reaction.”
  - Asserting Australia’s right of FON operations.

# Major Powers' Reactions

- Indonesia
  - No recognition of the nine-dash line
  - Request for clarification
  - Threat to take China to international court
- Russia
  - Concern about “stability in the region”
  - Consideration of the U.S. as “the main destabilizing factor”
  - Commitment to join China and “other Asia-Pacific allies” in naval exercises in the South China Sea in May 2016

# Implications of Major Powers' Interactions

- Implications of China's actions and behavior
- Concern of small states over major powers conflict and collusion
- Formation of separate economic blocs
- Joint military exercises and the formation of separate military groups
- Danger of a new type of cold war and efforts to prevent it.

# Recommendations for conflict resolution

- Resolution of sovereignty disputes based on diplomacy and law
- China's clarification of the meaning of the nine-dash line
- Adjudication, arbitration, and conciliation

# Recommendations for conflict management

- Setting aside disputes, jointly exploiting resources
- Agreement on a Code of Conduct for the South China Sea
- Hot line communication
- Joint patrol
- Procedures for encounter at sea and in the air
- A new Asia-Pacific security structure



# Requirements for success

- Political will to make concessions
- Self-restraint and no unilateral attempt to change the *status quo*
- An appropriate balance of power

# Future prospect

- China's rise and its impact on the transition of global power
- The critical importance of China's behavior
- The clash of visions
  - China's dream versus ASEAN's aspiration
  - China's efforts to control the South China Sea versus United States' determination to remain a Pacific power

# Future Prospect

- Implications for small states
  - The Obama-Xi 2015 summit and the failure to reach an agreement on the South China Sea
  - The test of U.S. threat to “fly, sail, operate anywhere international allows”
  - ASEAN weakness and disunity and the search for individual solution
  - Small states and the dilemma of choice
- The Way Out?
  - Might makes right vs. Power and justice
  - United stand by maritime ASEAN
  - Countervailing power of concerned major nations
  - Support and legitimacy of maritime ASEAN
  - Chinese tradition of leading by morality and persuasion

THANK YOU FOR YOUR ATTENTION